

HB 0831

2004

1 A bill to be entitled
 2 An act relating to the Indian River County School Board;
 3 providing for the relief of Ryan Besancon, a minor, by and
 4 through his parents and natural guardians, Mark and Laurie
 5 Besancon, for injuries sustained due to the negligence of
 6 the Indian River County School Board; providing for the
 7 use of such funds; providing an effective date.

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 9 WHEREAS, on January 25, 1999, 5-year-old Ryan Besancon was
 10 a passenger on a school bus owned by the Indian River County
 11 School Board and operated by its employee, and

12 WHEREAS, the school bus driver failed to stop at a stop
 13 sign located at the intersection of 45th Street and 66th Avenue
 14 in Vero Beach, Florida, causing the bus to collide with an
 15 eighteen-wheel tractor-trailer and resulting in serious and
 16 life-threatening injuries to Ryan Besancon and numerous other
 17 children on the school bus, as well as two deaths, and

18 WHEREAS, as the result of an extensive investigation by
 19 state and federal officials, it was determined that the school
 20 bus driver was solely responsible for the crash, and

21 WHEREAS, on January 26, 1999, Ryan's pediatrician noted
 22 that Ryan's symptoms included two skull fractures, a complaint
 23 of tilting of his head, apparent sixth-nerve palsy, and a
 24 prominent right adrenal gland, and

25 WHEREAS, on November 3, 1999, Ryan Besancon presented to
 26 Dr. Gary M. Weiss with symptoms that included almost daily
 27 headaches, neck pain, significant pain in bilateral frontal
 28 areas, nausea, dizziness, occasional blurred vision, loss of
 29 memory, a 10-percent hearing loss, and some decreased
 30 concentration, and

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31 WHEREAS, between December 8 and December 12, 1999, a
32 psychologist tested Ryan's neuropsychological functioning and
33 found that, although Ryan functioned intellectually in the
34 average range, he was experiencing significantly impaired short-
35 term memory functioning, in both verbal and visual memory; he
36 exhibited deficits in the area of attention and concentration
37 skills; he had significantly impaired construction ability and
38 perceptual processing, as well as impaired short-term visual
39 memory; he was experiencing a significant level of
40 psychopathology, consistent with a diagnosis of Adjustment
41 Disorder with Mixed Emotional Features; and he had significant
42 amounts of both depression and anxiety, and

43 WHEREAS, the psychologist concluded that Ryan's
44 "impairments are directly related to his motor vehicle
45 accident," and

46 WHEREAS, a pediatric neurologist who examined him on
47 November 2, November 20, and November 27, 2001, found that a
48 motor exam revealed difficulty hopping on the right foot, that
49 rapid alternate movements were remarkable for mild synkinesia,
50 that there had been a base of skull fracture, and that Ryan was
51 sleep-deprived, and

52 WHEREAS, an EEG revealed a partial seizure disorder, and
53 Ryan has continued under the care of a neurologist, has shown
54 little change in his symptoms, and requires prescription
55 medication to control his brain seizure activity, and

56 WHEREAS, as a result of the injuries he sustained in the
57 accident, Ryan had to repeat 1 year of elementary school, has
58 had great difficulty learning to read, and remains emotionally
59 and intellectually disadvantaged, and

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60 WHEREAS, as the result of extensive mediation conducted in
 61 the fall of 2002, Mark and Laurie Besancon entered into a
 62 settlement agreement with the Indian River County School
 63 District, and

64 WHEREAS, the terms of the settlement provided for payment
 65 of the sum of \$70,000 as compensation for Ryan's injuries, upon
 66 the passage of a claim bill authorizing such a payment, which is
 67 a necessary prerequisite to the school board's compensating Ryan
 68 because the maximum payments allowed under section 768.28,
 69 Florida Statutes, have already been made to other parties
 70 injured in the same accident, and

71 WHEREAS, the attorneys representing the Besancons have
 72 waived all attorney's fees in order that a greater portion of
 73 the settlement funds might benefit Ryan, NOW, THEREFORE,

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 75 Be It Enacted by the Legislature of the State of Florida:

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 77 Section 1. The facts stated in the preamble to this act
 78 are found and declared to be true.

79 Section 2. The Indian River County School Board is
 80 authorized and directed to appropriate from funds of the school
 81 board not otherwise appropriated and to draw a warrant in the
 82 amount of \$70,000, payable after July 1, 2004, to Mark and
 83 Laurie Besancon, as parents and natural guardians of Ryan
 84 Besancon, a minor, for injuries and damages sustained by Ryan
 85 Besancon due to the negligence of the Indian River County School
 86 Board. Such funds are to be deposited into a guardianship
 87 account for the exclusive use and benefit of Ryan Besancon.

88 Section 3. This act shall take effect upon becoming a law.
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